
HOUSE BILL No. 1452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-34-3.

Synopsis: Abortion facility licensing and inspections. Requires the state department of health to establish procedures for the inspection and licensure of medical facilities that perform abortions. Authorizes the attorney general to seek an injunction against or prosecute an unlicensed medical facility that is providing abortions. Permits the state health commissioner to take certain actions if a medical facility that provides abortions is violating the statute or rules adopted by the state department. Requires the state department to create an appellate panel to review proceedings of an administrative law judge under the statute. Makes it a Class A misdemeanor to operate or advertise the operation of an unlicensed medical facility that provides abortions.

Effective: July 1, 2003.

Welch, Dobis, Thompson

January 14, 2003, read first time and referred to Committee on Public Health.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1452

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 3. Inspection and Licensing of Medical Facilities That**
5 **Perform Abortions**

6 **Sec. 1. As used in this chapter, "abortion" has the meaning set**
7 **forth in IC 16-18-2-1.**

8 **Sec. 2. As used in this chapter, "patient" means an individual**
9 **who is seeking to obtain or has obtained an abortion.**

10 **Sec. 3. The state department shall annually inspect each medical**
11 **facility that performs abortions.**

12 **Sec. 4. To operate a medical facility that performs abortions, a**
13 **person must first obtain a license from the state health**
14 **commissioner, unless the person is exempted by a rule adopted by**
15 **the state department.**

16 **Sec. 5. The state department shall adopt rules under IC 4-22-2**
17 **to do the following:**



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(1) Protect the health, safety, and welfare of patients.

(2) Establish minimum qualifications for applicants for licenses.

(3) Prescribe the operating policies, supervision, and maintenance of service records of medical facilities that perform abortions.

(4) Establish procedures for the issuance, renewal, denial, and revocation of the annual licenses of medical facilities that perform abortions. The rules adopted under this subdivision must address the following:

(A) The form and content of the license.

(B) The collection of an annual license fee of not more than two hundred dollars (\$200) that the state department may waive.

(5) Prescribe the procedures and standards for inspections of medical facilities that perform abortions.

Sec. 6. (a) The state department shall investigate a report of an unlicensed medical facility that provides abortions and shall report its findings to the attorney general.

(b) The attorney general may do the following:

(1) Seek an injunction against the performance of abortions at an unlicensed medical facility in the circuit or superior court of the county in which the unlicensed medical facility that is providing abortions is located.

(2) Prosecute violations of section 10 of this chapter.

Sec. 7. (a) The state health commissioner may take one (1) or more of the following actions on any ground listed in subsection (b):

(1) Issue a letter of correction.

(2) Issue a probationary license.

(3) Conduct a resurvey.

(4) Deny the renewal of a license.

(5) Revoke a license.

(6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(b) The state health commissioner may take action under subsection (a) on any of the following grounds:

(1) Violation of any of the provisions of this chapter or rules adopted under this chapter.

(2) Permitting, aiding, or abetting the commission of an illegal act in a medical facility that provides abortions.

(3) Conduct or practice found by the state department to be



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detrimental to the welfare of the patients of the medical facility that provides abortions.

(c) IC 4-21.5 applies to an action taken under this section.

Sec. 8. A licensee or an applicant for a license aggrieved by an action taken under this chapter may request review of the action under IC 4-21.5.

Sec. 9. (a) The executive board of the state department shall appoint an appeals panel consisting of three (3) members as follows:

(1) One (1) member of the executive board.

(2) One (1) attorney admitted to the practice of law in Indiana who is not an employee of the state department.

(3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state department may not be a member of the appeals panel.

(c) The appeals panel shall conduct proceedings for review of an order issued by an administrative law judge under this chapter. The panel is the ultimate authority with respect to the review of orders issued under this chapter for purposes of IC 4-21.5.

Sec. 10. A person who:

(1) operates a medical facility that performs abortions and that is not licensed under this chapter; or

(2) advertises the operation of a medical facility that performs abortions and that is not licensed under this chapter;

commits a Class A misdemeanor.

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